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September 28, 2007

VIA HAND DELIVERY

Office of the Clerk
United States District Court,
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl St., Room 1010
New York, New York 10007

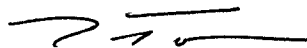
Re: Holinka v. Baxter Healthcare Corporation, et al.
Civil Action No. 07-8019

Dear Sir/Madam:

Our firm represents defendant Baxter Healthcare Corporation in the above-referenced matter. Pursuant to 28 U.S.C. § 1446(a) and Local Civil Rule 81.1(b), enclosed please find copies of the pleadings, motions and orders served and filed with the New York Supreme Court, New York County, Index No. 114120, before this case was removed to the United States District Court on September 12, 2007. Also enclosed is a CD with electronic copies of these documents. An index is attached for your reference.

Thank you for your assistance in this matter.

Respectfully submitted,



Timothy J. Fraser

Enclosures

cc: James Long, Esq. (via ECF & first class mail; w/ CD only)
Kristy K. Lyons, Esq. (via ECF & first class mail; w/ CD only)
Carol M. Tempesta, Esq. (via ECF & first class mail; w/ CD only)

Holinka v. Baxter Healthcare Corporation, et al.
Civil Action No. 07-8019

Index of Pleadings, Motions and Orders
Filed in New York Supreme Court

1. 9/29/06 * Plaintiff – Summons and Verified Complaint
2. 9/29/06 * Plaintiff – Application for Index Number
3. 10/12/06 * Cleaver-Brooks – Acknowledgement of Receipt
4. 10/19/06 * Lennox Industries – Verified Answer and Cross-Claims
5. 11/9/06 * Rapid-American Corporation – Acknowledgment of Service
6. 11/13/06 * Corning – Notice of Bankruptcy
7. 11/20/06 * VWR International / Univar USA – Stipulation for Extension of Time To Answer or Otherwise Plead to the Compliant
8. 11/27/06 * Baxter Healthcare – Verified Answer and Affirmative Defenses
9. 11/30/06 * Kewaunee Scientific – Verified Answer
10. 11/30/06 * Kewaunee Scientific – Affidavit of Service for verified answer
11. 12/5/06 * Baxter International – Request for Judicial Intervention
12. 12/5/06 * Baxter International – Notice of Motion To Dismiss
13. 12/13/06 * VWR International / Univar USA – Notice of Appearance
14. 12/13/06 * VWR International – Verified Answer, Affirmative Defenses, Answer to Crossclaims and Crossclaims
15. 12/13/06 * Univar USA – Verified Answer, Affirmative Defenses, Answer to Crossclaims and Crossclaims
16. 12/15/06 * Manor Care Health Services – Answer
17. 1/4/07 * Beckman Coulter – Verified Answer

* = Documents copied from the file room at the New York Supreme Court, New York County. All other documents originated from the files maintained by counsel for defendant Baxter Healthcare Corporation.

18. 1/29/07 * Baxter International – Notice of No-Opposition Summary Judgment Motion
19. 1/31/07 * Baxter International – Notice of Withdrawal of Motion To Dismiss
20. 1/31/07 * Rheem Manufacturing – Answer to Verified Complaint
21. 2/5/07 * Rheem Manufacturing – Acknowledgment of Service
22. 2/13/07 * VWR International / Univar USA – Motion for admission *pro hac vice* of David F. Abernethy, Esq. and Bryan R. Sgrignoli, Esq.
23. 3/27/06 * Order of admission *pro hac vice* for David F. Abernethy, Esq. and Bryan R. Sgrignoli, Esq.
24. 3/29/07 * Order granting summary judgment to Baxter International
25. 4/10/07 * A.W. Chesterton – Motion for Summary Judgment
26. 4/25/07 Fisher Scientific – Standard Answer #1 to Weitz & Luxenberg Standard Asbestos Complaint for Personal Injury No. 7 and Acknowledgment of Service
27. 5/25/07 * Baxter Healthcare – Motion for *pro hac vice* admission of Brenda N. Buonaiuto, Esq.
28. 6/7/07 * Order granting summary judgment to A.W. Chesterton
29. 6/8/07 * VWR International – Substitution of Counsel
30. 6/8/07 * Univar USA – Substitution of Counsel
31. 6/25/07 Plaintiff – Motion for a joint trial
32. 7/16/07 Lab Supply Defendants¹ – Opposition to plaintiff's motion for a joint trial
33. 7/17/07 Robert A. Keasby – Opposition to plaintiff's motion for a joint trial

¹ “Lab Supply Defendants” refers, collectively, to defendants Baxter Healthcare Corporation, Fisher Scientific International, Inc., ManorCare Health Services, Inc., VWR International, Inc. and Univar USA, Inc. Defendant ManorCare Health Services, Inc. reached a settlement agreement with Plaintiff before this case was removed to the Southern District of New York.

34. 7/17/07 Union Carbide and Amchem – letter notification that Affirmation and Memorandum of Law in Opposition to plaintiff's motion for a joint trial was filed
35. 7/19/07 Kaiser Gypsum – Opposition to plaintiff's motion for a joint trial
36. 8/1/07 Fisher Scientific – Motion for *pro hac vice* admission of Alan I. Dunst, Esq.
37. 8/7/07 Mannington Mills and Fisher Scientific – Order to Show Cause for *pro hac vice* admission of Marc S. Gaffrey, Esq.
38. 8/15/07 * Order of admission *pro hac vice* for Brenda N. Buonaiuto, Esq.
39. 8/22/07 Order of admission *pro hac vice* for Michael J. Block, Esq.
40. 8/22/07 Plaintiff – Motion *in limine* to exclude evidence of “dose reconstruction” and “exposure assessment”
41. 8/22/07 ManorCare Health Services – Motion *in limine* to preclude evidence that seeks to impose liability for laboratory products supplied after July 31, 1976
42. 8/22/07 ManorCare Health Services – Motion *in limine* to preclude evidence relating to Precision Cosmet Company, Inc.
43. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude plaintiff's experts, Drs. Moline and Strauchen, from testifying that the Bunsen burner pads and heat mittens at issue caused plaintiff's mesothelioma
44. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude evidence regarding the presence of defendants' catalogs in the laboratories where plaintiff worked or studied
45. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude evidence of epidemiological studies involving different types of asbestos or greater levels of exposure
46. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude reference to “asbestos products”
47. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude reference to the Bunsen burner pads and heat mittens at issue as “Defendant's Products”

48. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude testimony of Barry Castleman, D.Sc. and Douglas Pohl, M.D.
49. 8/22/07 Lab Supply Defendants – Motion *in limine* to preclude reference to defendants generally as “asbestos defendants,” “asbestos companies” or “conspirators”
50. 8/22/07 Lab Supply Defendants – Omnibus Motion *in limine*
51. 8/22/07 Union Carbide – Motion *in limine* to require 48-hour pre-disclosure of documents and witnesses
52. 8/22/07 Union Carbide – Motion *in limine* for disclosure of information regarding previous settlements
53. 8/22/07 Union Carbide – Motion *in limine* to preclude evidence regarding Union Carbide’s corporate structure of its relationship to the Dow Chemical Company
54. 8/22/07 Union Carbide – Motion *in limine* to exclude all references to industrial/chemical accidents
55. 8/22/07 Union Carbide – Notice of joinder in all co-defendants’ motions *in limine* and oppositions to plaintiff’s motions *in limine*
56. 8/22/07 Union Carbide – Omnibus Motion *in limine*
57. 8/22/07 Union Carbide – Motion *in limine* to exclude evidence of the Health Conditions or Medical Records of any Union Carbide King City asbestos workers without testimony from a qualified medical expert that the health condition is related to asbestos exposure
58. 8/24/07 Baxter Healthcare – Motion for *pro hac vice* admission of David B. Sudzus, Esq.
59. 8/30/07 * Manor Care Health Services – Affidavits of Service for *motion in limine* to exclude evidence or testimony seeking to impose liability for products supplied after July 31, 1976
60. 8/30/07 * Manor Care Health Services – Affidavit of Service for *motion in limine* to exclude all evidence relating to Precision Cosmet Company, Inc.

61. 8/30/07 * Manor Care Health Services – Affidavit of Service for defendants’ joint motion *in limine* to preclude plaintiff’s experts, Drs. Moline and Strauchen, from testifying that the Bunsen Burner Pads and heat mittens at issue caused plaintiff’s mesothelioma
62. 8/30/07 * Manor Care Health Services – Affidavit of Service for defendants’ joint motion *in limine* to preclude evidence regarding the presence of Defendants’ catalogs in the laboratories in which plaintiff worked or studied
63. 9/4/07 Baxter Healthcare – Motion for *pro hac vice* admission of Donald F. Zimmer, Esq.
64. 9/5/07 * Baxter Healthcare – Affidavit of Service for defendants’ joint motion for Summary Judgment
65. 9/5/07 * Baxter Healthcare – Affidavit of Service for defendants’ joint motion *in Limine* to Preclude reference to the Products in Issue as “Asbestos Products”
66. 9/5/07 * Baxter Healthcare – Affidavit of Service for defendants’ joint motion *in limine* to preclude plaintiff from introducing evidence of epidemiological studies involving different types of asbestos or greater levels of exposure
67. 9/7/07 * Order of Admission *Pro Hac Vice* for David B. Sudzus, Esq.
68. 9/10/07 Plaintiff – Motion for Spoliation Sanctions
69. 9/10/07 Plaintiff – Opposition to Lab Supply Defendants’ motion to exclude testimony of Barry Castleman, D.Sc. and Douglas Pohl, M.D.
70. 9/10/07 Plaintiff – Opposition to Lab Supply defendants’ motions *in limine* to preclude Drs. Moline and Strauchen from testifying as to causation and to exclude evidence of epidemiological studies
71. 9/10/07 Plaintiff – Affirmation in further support of motion *in limine* to preclude evidence of “dose reconstruction” and “exposure assessment”
72. 9/10/07 Lab Supply Defendants – Opposition to plaintiff’s motion *in limine* to preclude evidence of “dose reconstruction” and “exposure assessment”
73. 9/11/07 VWR International / Univar USA – Affirmation joining in certain motions *in limine* filed by Union Carbide

- 74. 9/11/07 Fisher Scientific – Affirmation joining in opposition papers filed by other defendants
- 75. 9/12/07 * Baxter Healthcare – Notice of Filing of Notice of Removal